## TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

January 17, 2002 LB 824

says "according to the viability of the child". So there's quite a little bit of difference in that because viability could go quite a ways along with the gestation period. So anyway, I just want to bring the fact that I'm really thankful, want to thank Senator Foley for bringing it this far, and I want to thank Senator Brashear for all the work that he's done on it. And I think that we should continue to go forward with this bill. Thank you.

SPEAKER KRISTENSEN: Senator Brashear. Senator Chambers.

SENATOR CHAMBERS: Mr. President, I yield my time to Senator Maxwell.

SPEAKER KRISTENSEN: Senator Maxwell.

SENATOR MAXWELL: Thank you, Senator Chambers. Senator Chambers is doing me that courtesy. I wanted to respond to his previous set of comments and I didn't get my button pushed quickly enough, so we thought this would make sense. I will then, in turn, yield to him the next speaking turn. One thing he said, and others have said it too, is that the concept before us is too complicated. I don't think it is. Actually, I think it's common sense. So maybe one more quick run through it might be worthwhile. Let's say I take out a gun, I whip around and I fire at Senator Synowiecki. It's only been four days but the guy is driving me crazy. I turn around and I fire at Synowiecki, but he ducks. The bullet goes past him and it hits Senator Chambers and he dies as a result. Now, I might try to say, well, I feel terrible about that but I didn't even see Senator Chambers back there. Senator Synowiecki ducked and my beef wasn't with Senator Chambers, it was with Senator Synowiecki. So I'm really sorry about what happened, but I can't be prosecuted for murder because I did not intend to kill Senator Chambers. What the law says is, no, we're going to transfer your intent from Senator Synowiecki to Senator Chambers. You can't get by with that. You intentionally set a killing force in motion. It resulted in Senator Chambers' death. We're holding you accountable for murder in this case. I like it. I think it s good public policy, I think it's common sense, and I want it to apply in the case of the unborn child,